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EU-E-Law, Lao Tzu and Law Teachers in the CT Age

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"There are no bad students, only bad teachers."

Abstract: *This article argues that it is useful sometimes to look at philosophies and perspectives which are not the orthodox nor dominant ones (especially with a conservative legal academy), to assist in the development of a robust base on which constructs of law may be founded in an interdependent world. In particular it argues that the philosophical dimensions of Taoism, as supposedly articulated by* Lao-Tzu *in the ancient and celebrated text* The Tao Te Ching *may be used to help explain the interplay of forces which is informing the development of E-law in the EU (or EU-E-Law).*

Keywords: *European Union. E-Law. Communications Technology. Philosophy. Taoism. Tao-Te Ching. Lao Tzu. Law Teachers.*

1. The Regard and Disregard of Other Philosophy and Perspective

The book and TV series *The Ascent of Man*, (Bronowski 1973) might make an excellent foundation for a module on jurisprudence. But on the penultimate page of his celebrated work, the author was obviously flagging after his great and noble endeavours when he wrote.

"And I am infinitely saddened to find myself suddenly surrounded in the west by a terrible loss of nerve, a retreat from knowledge into-into what? Into Zen Buddhism;.."

This was a surprising example to take, although he proceeded to list other things. It was surprising in that it saw Eastern thinking as meaningless and representing a retreat from enlightened, ethical, rational thinking. He had stooped at the pond in Auschwitz, where members of his family had been

killed but argued that this was not the product of science but of arrogance, ignorance and dogma (Bronowski, at p.374). This lets science off the hook a little too easily. Science contributed to these dogmas, and science is capable of being dogmatic and belief-based also. His argument has some merit and is echoed by Carl Sagan (1999) where he bemoans `New Ageism'. Carl Sagan was scared of the `demon-haunted world' and the movement away from science in contemporary contexts towards anti-science and esoteric things. This is a useful cautionary analysis. Curiously for a scientist, he concluded by emphasising the importance of law and legal systems, and began to explain how they often accorded with good scientific methodology. He is right in this observation, but dis-ingenuous about the explicitness of `scientific' thinking in law and about law. When giving the the *Cautio Criminalis (Precautions for Prosecutors*) of Freidrich von Spee, published is 1631, as a sound example of an appreciation of the process flaws of witchcraft trials, he conveniently skips over the extent to which lawyers were involved in the prosecutions of witchcraft (Sagan, 1999 at 381). In his recent work on science and the law, Faigman redresses the balance somewhat (Faigman, 1999). It is quite incredible that scientists fail to see the blinding value of commerce when mixed with science. It is amazing that books on chaos theory (Gleick, 1993) for example, singularly fail to make the connections with anticipating philosophies such as Taoism, and delude themselves that their fruit is a product of their own wonderful insight. Europe regularly forgets the history of technological influence of Islam and China.

On the other hand, one must remember not to engage in *Trangressing the Boundaries: Towards a Transformative Hermeneutics of Quantum Gravity.* This was the celebrated hoax article which was published in an American academic cultural-studies journal (see Sokal and Bricmont, 1998), intended to parody post-modernist thought and the abuse of scientific principles by intellectuals such as Lacan, Kristeva, Irigaray, Baudrillard and Deleuze. In addition, we would do well to be aware of the pessimism within contemporary conservative legal circles, and some of the valid points made by people such as Sowell (1999). However, most law students are exposed to few other modes of thinking, and their work must be impaired even in the most pessimistic and minimalist view of what law can achieve. If they are not aware of any of the sound science or philosophy, how can they distinguish the poor? How can the legal academy claim epistemological integrity, when it is as rare to most lawyers and even legal thinkers as a four leafed clover. It is as easy to dismiss wider thinking about law as it is for certain establishments to deny their contribution to the negative enterprises that they have spawned.

2. Limitations of Western Philosophy as a Base for Legal Understanding.

While it is crucially important to protect the integrity of the logic and methodologies of the achievements of `Western' thought, it is dishonest not to examine its limitations (in general see Russell, 1984). This article is inherently steeped in its discourse and narrative by definition and it no way intended to be anti-method in the mode of Feyerabend (Feyerabend, 1993). The justified strictures of academic discourse place their own limitations on communications. If is accepted that there is a body of Western thought, then it follows that there is an Eastern one. That dualism is implied by the acceptance of the first label as legitimate. Books such as *The Tao of Physics* (Capra, 1982) challenged certain paradigms such as the Cartesian-Newtonian, one which it was argued was inadequate for an understanding of the world of quantum physics. It has subsequently been popularised into a clichéd title of all types of book, covering everything from management to sex. It has been identified with certain individuals such as Bruce Lee and projected onto him and others such as Ali (see Miller, 1997 and 2000). Capra looked to the East to try and approach the new quantum world from alternative philosophical perspectives. Eastern philosophy occurs very rarely in Western legal discourse and arguably in international legal discourse. Granted that there has been a greater awareness of the consciousness of the need for legal pluralism, and the growth of feminist jurisprudence and critical legal studies has also widened the horizons. Efforts at regional integration have also entailed a harmonisation process that has required a dialogue between legal systems and constructs. The development of indigenous rights in association with the emergence of environmental rights, has challenged the orthodoxy of legal thinking (Weaver,1996 and

Pelletier,1985). In a world which is moving towards universals and which is supposedly committed to the *Universal Declaration of Human Rights* it would seem at least arrogant to disregard the East to the extent that it has been. In a world which is increasingly interdependent, it would seem pragmatic to be informed of alternative paradigms. Oliver Wendell Holmes would no doubt promote an awareness of it in law teaching.

Discourse within a discipline such as law with its own internal conservatism may compound negative tendencies which are inherent in western philosophy. This cannot be healthy when one considers that law has not protected against the excesses that rationalism supposedly prevents. A common problem is the over-reliance on mechanistic thinking and methodologies, which appears in many negative guises. Western philosophy has been a contributory factor in war, of the awful magnitude we have come to know. As Jung points out, we criticise the yogi who claims to move mountains while encouraging those who would blow them up (see Tunney, [1998] at 339). It is arguably the dominance of a mechanistic mindset within the legal establishment which is a causal factor in the dysfunctionalities which are persistent in Western legal systems. In addition, other perspectives outside law are impoverished if they do not consider legal philosophy. Capra's undue reliance on the role of science in Western philosophy almost totally omits the role of law, and its validity is therefore undermined.

3. Failing to Focus on Functionality and the Paradox of Persistence of the Mechanistic Mindset.

Dominant modes of thinking and not thinking have been related to shortcomings in law. The following charge is advanced with an implicit acceptance of the significance and value of law, legal systems and personnel. Hopefully, it is concern for their integrity which motivates the accusation, accepting the inevitably (likely) influence of the counter-orthodox forces of CT, competition law, liberalisation, education and the establishment of new regional organisations. The initial charge would be that the legal establishment have under-performed and are inculpated in the persistence of sub-optimum systems. A variety of pre-historic, historic and contemporary forces, which are capable of anthropological, psychological, sociological, economic and political analysis, have created incredibly strong forces of cohesion within the legal establishment. Those forces of cohesion have led to a degree of protection, which has had negative consequences such as the failure of the legal establishment to focus on functionality of legal systems.

The failure to focus on functionality as a fundamental goal of the legal establishment, is manifest in the pervasive dysfunctionalities that exist. Arguably there is a crucial lack of respect for the need to comprehend the complex construction and operation of legal systems on anything other than a simple, operational, evolutionary way, based on trial and error and conditioned principally by heuristics in the mind of the personnel of the establishment (see Tunney, 1999). These dysfunctionalities include toleration of the persistence of delay, expense, exclusion, miscarriages of justice, inconvenience, anachronism, irrelevance, redundancy of concepts and systems. More specifically, the academy who are in the best position to rectify the flaws of the status quo, have failed to do so. While there are many reasons why this is the case, the accusation would be that they have prostrated themselves before the perceived power of the professional bodies, have been quiescent and inert before them, have persisted in outdated methods and curricula, have slavishly accepted teaching and research quality systems of dubious merit and have presented little evidence of any ennobling vision to pursue. In a global world, we will increasingly need to see an integrated legal environment, instead of a mosaic of honey-pots for legal establishments to swarm around, the

failures of the legal establishment and the academy are especially disenchanting.

At a time of universal enfranchisement and the growth of mass markets and mass delivery systems, the legal system is still essentially an elite one which is dysfunctional. Yet there is a curious paradox in that one of the descriptions of the mindset which permeates the legal establishment is `mechanistic'. This refers to the description sometimes associated with Descartes, which postulates that a system can becomes characterised as a machine which works like clockwork, and where the personnel which operate within it seem themselves as cogs (Birkin, 1996).

4. The Need for Other Perspectives in the Dynamic of EU-E-Law Education.

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E-law might be described as the emerging construct of legal regulation of the electronic world. While some academics debate whether there is any separate body of law unique to the electronic world and whether it is necessary to regard it as unique, the legislators and real world seem to think that there is. The *E*-world that *E*-law regulates, is arguably conceptually different from the world on which we have constructed our relationships and our legal analysis of them. As the models of the `Post-Westphalian' legal world are deconstructing before our eyes (Tunney, 1998) it would seem slightly perverse to continue with the conceptual battles we are facing armed only with the intellectual weaponry of the past.

The European Union (EU) is perhaps one the most significant evolutions of legal systems which has ever happened. Its genesis relates to the emergence of an appreciation of the limitations of existing legal constructs such as the State, and necessarily consequential ideas such as jurisdiction. This development was circularly related to the technological revolution in communications, which in turn was related to war, which was in turn partly caused by the limitations of legal paradigms. The EU now finds itself uniquely positioned to regulate CT in a reasonably coherent way, in a post-national, regional context and at a time of converging technology. Its emerging regulation of `*E*-Law' will set the agenda.

However, appropriate stewards of transformation may not be there. At such a critical juncture, with legal systems and principles in a state of flux, although CT is providing new opportunities, it is unlikely *per se* to alter the pre-existing dysfunctionalities and limitations in legal systems. If education is at the core of new constructs, then legal education must be at the core of new legal ones. In this context, the enlightened or unenlightened role of the law teacher (in the widest sense) assumes an even greater importance. While we can point to notable exceptions, it is unfortunate that a mechanistic, non-critical, unimaginative paradigm permeates the law teachers mindset. It is seems to be permissible to be totally ignorant of philosophy and such matters as getting in the way of `real law'. While the methodologies of legal discourse remain remarkably flexible in some ways, jurists are not exploring them.

If need be, we might call on the peripatos of Aristotle or the questioning of Socrates or Popper's `critical pluralism', to help justify a looking to the East here. The methodology of the common law especially, has been described by people such as Bodenheimer (1996) as based on `dialectical reasoning'. Jurists are very slow to discuss subjects such as epistemology and ontology, with notable exceptions such as Nerhot. That may be totally justified in that it avoids some of the endless implosions that other disciplines love. Nevertheless it behoves academics to take advantage of this lack of a straitjacket to explore the frontiers, particularly when dealing with subjects as revolutionary as CT, and as significant as law. This article glances (and does not claim to do more) at the ancient Chinese book of philosophy, the `*Tao Te Ching*,' as a lateral path to approach the role of the law teacher perhaps in a spirit of 'prescriptive legal scholarship'. It will ask whether we have law teachers who are up to the challenge of CT and the global village, using the wisdom of this book as a

prompter to ask deeper questions. To do so is not a rejection of existing modes of legal discourse but an effort to complement them.

5. Synergy within EU-E-Law.

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In legal terms, the innovation of the EC/EU, has been described by the European Court of Justice (ECJ) in a handful of celebrated cases such as Costa and Van Gend en Loos (see Weatherill and Beaumont, 1999). Observers and participants came to understand the dawning legal reality as the ECJ like an oracle of old, began to articulate the consequences of the various pacts that had been made. Many were taken by surprise. Soon the ECJ explained that Community law was supreme over national law in areas of Community competence, that Member States could not renege on their duties by resort to national law, that sovereignty had been pooled to create a new, international legal order with legal personality and capacity of representation on the international plane. These conclusions were adumbrated by the Court, with a focus that was remarkable, a clarity of purpose that was unclouded, a zeal to ditch literal arguments that was unmatched, and the memory of the bloodshed, carnage and horror of war. Conceptually, the EU could be seen as an undoing of things, partly a deconstruction. The State model which had grown up in the post-Westphalian orthodoxy as reflected in international conventions, such as Montevideo, was arguably a causative factor in the evolution of war (Tunney 1998). People and paradigms cause war. The Community model was an effort to deconstruct the destructive elements of boundaries. The virginal notion of sovereignty was deflowered.

The development of *E*-law, necessarily depends on the growth of CT. The parallels between the conceptualisation of the new global environment and the electronic and CT are clear enough. CT (as people like Arthur C. Clarke anticipated) would reveal the flaws of limited State constructs. Consequent legal constructs must accordingly be undermined. Those who like Carl Sagan engaged, inter alia, in searching for extra-terrestrial life had little time for territorial based battles. The CT revolution, the linked environmental movement, the indigenous and aboriginal advocates and the general cosmopolitan, conceptual constructors of the contemporary world, would put a sell-by date on the sustainability of basic legal concepts, such as jurisdiction. War was also a driving force in the evolution of CT.

As nation states begin to see the limitations of national regulation of inherently global phenomenon, the advantage of the new legal communities become clear. While national regulation is inherently limited, international regulation will be inherently slow. Thus it is inevitable that EU is developing and will develop a reasonably comprehensive, code or corpus of *E*-Law. EU-*E* law should be looked at sui generis, and may not be understood unless this happens. This is reflected by the appearance of books of that basic title. EU-*E*-Law consists of the *acquis communataire* of the EU, as applied by specific regulation. Free movement of goods, services and persons are still the foundation of the EU. These obviously encourage and promote the manufacture, supply and circulation of CT products, personnel and services. Competition law, de-nationalises national infrastructure. Specific policies have grown up, for example, in relation to research and consumer protection.

E-Law is reflected in the regulation of copyright to cater for the information society, with the amended proposal for a Directive *([1999] O.J C180/6)*, and the accession to the WIPO Treaties by the E.C *([1998] O.J. C165/8)*. The regulation of Data Protection *(Dir. 95/46 [1995] O.J L281/31 and Dir. 97/66 [1998] O.J L24/1)* is an important construct, building on the original work of the Council of Europe. Encrypted services and convergence have been the base of important Green Papers *(Com (96) 76 and Com (97) 623 final and Com (99) 108 respectively).* The regulation of digital signatures has started recently (*Dir. 99/93 [2000] O.J L13/12)*. The proposals for an E-Commerce Directive

(Com(98)586 and Com(99)427), for distance contracts *(Dir. 97/7 [1997] O.J C144/19)* distance selling in financial services *(Com 99(385))* and conditional access services *(Dir. 98/84 [1998] O.J L320/54)* form an emerging corpus. With a host of other legislative provisions emanating from the different legal bases, there is a sense of a regional, legal regulation of the E-world which is sui generis with its own internal dynamic.

6. Lao Tzu.

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Lao Tzu (or Lao-Tze, Lao-Tse, Lao-Zi, Lao-Tan, Li-Erh and Li-Erh Tan) might seem like a strange fellow to introduce into a debate about EU-*E*-law: (see Kaltenmark 1969 in general). Carl Sagan (1980 at page) notes that his life corresponded with a time of `remarkable intellectual and spiritual ferment across the planet,' although his existence and dates are contested (Graham 1991 at iv).

Not only was it the time of Thales, Anaximander, Pythagoras and others in Ionia, but also the time of the Egyptian Pharaoh Necho who caused Africa to be circumnavigated, of Zoraster in Persia, Confucius and Lao-tse in China, the Jewish prophets in Israel, Egypt and Babylon, and Gautama Buddha in India.

Lao-Tzu is a title of honour, meaning `old master' (Palmer, 199). His link with Taoism is disputed, although he is often seen as its founder. He is seen to be an antithetical force to the sometimes authoritarianism, patriarchal and legalistic Confucianism. He is accepted as the author of the *Tao Te Ching* (or *Dao De Jing* etc.)-one of the great troika of Taoist texts alongside the books of *Lieh-Tzu* and *Chuang-Tzu* (Graham 1991). It is legend and myth, story and some history (just like some of the lynchpins of Western philosophy).

If many are dubious about the validity of examining such texts, another justification could be founded upon some of the insights of creativity and innovation management or simply lateral thinking. We can glean insight sometimes without deconstructing the mechanistic mindset. The interpretation of vague things will vary. But opaque, simple ideas are a productive source of discussion. Some Taoists used this book to seek `the elixir of life' for example. While the West might accept cryogenics, it would scoff as such enterprises. If as Richard Wilhelm (1989) argues that it is about the individual journey, and more akin to Buddhist philosophy, the very idea of using it to explain law may be anathema to many of its adherents (Graham, 1991). One risks damnation from both camps. But one should only judge the success of a mission by the goals it seeks.

7. EU-E-Law and the Tao Te Ching. Superficial Parallels in Parts?

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Thousands of computer scientists had been staring for two decades at the same two things- hypertext and computer networks. But only Tim conceived of how to put those two elements together to create

the Web.

The Tao Te Ching says at chapter 42 (all references are to the Wilhelm 1989, translation and edition)

Dao generates the One.

The One generates the Two.

About Tim Berners Lee, again Dertouzous said (Berners-Lee at x),

When I first met Tim, I was surprised by another unique trait of his. As technologists and entrepreneurs were launching or merging companies to exploit the Web, they seemed fixated on one question: `How can I make the Web mine?' Meanwhile, Tim was asking, `How can I make the Web yours.

This altruism is almost a feature of cyberspace and is worth bearing in mind in relation to the origin of free operating systems on the internet and recent moves to set up a free cyber-university on the internet. The Tao Te Ching says at chapter 7,

Thus also the Man of calling:

He disregards himself,

And his Self is increased.

Tim Berners-Lee (Berners-Lee, 1999 at 39) celebrates space as of the essence of the construct of the WWW. He says,

formation

On space the Tao Te Ching says in chapter 11,

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Thirty spokes surround the hub:

In their nothingness consist the carriage's effectiveness.

One hollows the clay and shape the pots:

In its nothingness consist the pot's effectiveness.

In relation to the EU Aspect, one might consider chapter 68,

Whosoever knows how to lead well

Is not warlike.

Whosoever knows how to fight well

Is not angry.

Whosoever knows how to conquer enemies

Does not fight them.

In relation to the *E*-Law aspect, and the attitude towards regulation of the internet, one could consider the *Tao* at chapter 23 where it says.

Use words sparingly,

Then all things will fall into place.

A whirlwind does not last a whole morning.

Palmer (1991 at 46) says that `The Tao Te Ching contains a great deal of practical advice coupled with ideas designed to make rulers stop and think.' As against these fairly superficial parallels, there are many statements that are opaque and impossible of analogy or application. However the path that Lao-Tzu lead us upon, especially towards Taoism, is more useful.

8. Lao-Tzu and Taoism and EU-E-Law.

So, the direct connections between Lao Tzu and EU-*E* Law, is highly speculative. But Lao-Tzu is definitely connected with philosophical Taoism. Taoism broke into many schools, if it had ever properly formed. Those schools have been linked to everything from macrobiotic food to the Triads (see Booth 2000)!. It is certainly the base on many practices such as Tai Chi and underpinned many Japanese developments. Judo, aikido and kendo are remarkably consistent with certain schools of Taoism. It manifests itself in popular guises in the *I Ching* and Feng Shui. The attempts at alchemy, also became part of Chinese technological heritage. All these are things to turn Sagan in his grave, and make the positivists and pessimistic conservatists ill. In the narrower sense, the essence of philosophical Taoism may be unfairly stated thus. The Tao seems to be based on observation,

particularly of natural phenomenon. Thus it is not unlike a basic scientific method. The benefit of retaining a philosophy of simplicity, based on observable, demonstrable propositions is clear. Simplicity is a key feature. Taoism shares characteristics with indigenous philosophy. Indigenous philosophy has often been overlooked, despite its ability to provide profound observations about western philosophy itself (Weaver,1996). We think simply, very often. Accordingly for example, water is used as a metaphor. Its properties are used to explain how softness can overcome hardness. This is related to a sense of the fundamental cyclical nature of force in the universe and the tendency to reversion, recursion or return as the fundamental movement. These are things which are obvious. However the obvious is often soonest forgotten. In looking at these phenomenon or perhaps forces, the sense of the whole is clear. This accords with `holism' and avoids the pitfalls of reductionism, beloved in law and elsewhere. Unlike the academic fear of paradox, and the rational unease with it, the *Tao Te Ching* embraces it. It recognises that paradoxes and counter-intuitive or even counter-rational approaches may yield insight. This is why it was so attractive to some quantum physicists. D'Arcy Thompson is sometimes forgotten as a scientist for taking lateral approaches based on seemingly vague ideas such as `force' (Bonner, 1961). Niels Bohr was close to its concept of complementarity.

Kosko (1994 at 263) sees law as a fuzzy subject.

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Law is a fuzzy labyrinth. A legal system is a pile of fuzzy rules and fuzzy principles. And it is dynamic. Every day judges and legislators add new rules and laws and delete or overturn old ones. It is not an art or science. You don't play the game unless you have a stake in it. Then you tend to lie and deceive and cheat at least to some degree. Here the fuzzy principle holds with more force than anywhere in our lives. Everything is a matter of degree. Legal term and borders are fuzzy. Try to draw a line between self-defence and not self defence or between contract breach and not breach. The lines are curves and you have to re-draw them in each new case. Every rule, principle and contract has exceptions. Every day, judges, lawyers and juries find new exceptions. Each "fact" in a case melts when you look it up close and put it through the fires of cross-examination. Lives and careers and psyches depend on how we split balls of legal fuzz into A AND not-A, how we work with guilt, intent, premeditation, malice, threat, duty, obligation, partiality, conflict of interest, damage and property right."

If law itself is fuzzy, how much more so must EU-E-law be. The forces which are creating EU-E-Law, are so overwhelming and diverse, that it is impossible for many to understand what is happening, even as a matter for description. It is this macro-level di

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9. Law Teachers in a CT Age.

The law teacher might take some cold comfort from Lao Tzu in chapter 27-

Whosoever does not cherish his teachers

And does not love his subject-matter:

For all his knowledge he would be in grave error.

What relevance does a little exploration such as this have? The most immediate one would be the need to seek to grapple with diverse views and perspectives, if the CT age is to live up to its promise of pluralism and universality. Insofar as the evolving hardwiring of the world is based on a minimum set of universal standard, there is a need to adopt a pluralist approach in order to attain any basic efficacy of legal systems. Dialogue and discourse cannot occur through the dominant party shouting instructions through a megaphone. In looking at the core questions of knowledge, communication, legitimacy and mediating structures one must examine the role of the legal establishment. Technology that is available provides no panacea for anything, not least law. It provides opportunities and makes threats. Ultimately it will require sound philosophical approaches or at least a degree of philosophical awareness. The law teachers who are unwilling to engage in these debates, issues and problems, will be short-changing their students. Competition in a global market for educational services (which CT facilitates) will make this unsustainable in the long term. Our existing doctrines have often been destructive, offensive and negative to many groups. There are opportunities, and indeed duties, to engage with the deep issues and to look above the limited horizons that law teachers have often made for themselves. Teachers who cannot respond to those challenges, cannot surely challenge their students. What is the optimum for law teachers in relation to EU-*E*-Law? Obviously a sense of the dynamics of the enterprise of the EU in a global context are important. The mere description of the EU corpus and mechanical transfer of information is not enough. The underlying forces must be engaged with, and they will increasingly be ones which have been excluded from the hegemony of thought which has enmeshed the legal establishment. Likewise the uniqueness of the *E*-world must be considered. As people who have been successful in material terms have said, the understanding of complex real-world scenarios often comes about through finding robust theories, and usually as a result of critical thinking methods (Soros, 1998).

In entering this global world, the teacher may often find themselves behind the student. The student may be far more technologically adept, and far more comfortable in an increasingly integrated and diverse world. They may be attracted to the softer and vaguer aspects (and even lack of logic) of Eastern philosophy, having been bored by the dull Euro-centric didacticism they often face. The end of `talk and chalk' was the rallying cry of some of the leading lights in the CT teaching domain. That may bring an undue focus on technology to the detriment of thinking, communication, creativity and exploration. The question of what and why must arise. There has to be a point which leads to the contested or buried issue of `values'. Some will say that it is impossible and undesirable to have values and for law teachers to be propagandist about them, denying that they exist already. However there are relatively neutral values, which are associated with the functionality of legal systems which could be embraced and would provide steerage to avoid being hijacked by other agendas, as well as more comprehensive ones such as `prophylaxis'.

10. Conclusion.

Some in the legal establishment would reject looking at other ways of thinking, appealing to enlightenment values, while denying the role of religion in western legal systems, wearing horsehair or nylon wigs on their heads, or engaged in medieval feudal transactions, not to mention the rituals

of secret societies they belong to (however beneficial that might be). Scientists such as Dawkins, who have a remit to popularise science may achieve the exact opposite by their slavish adherence to reductionist and materialistic doctrines, without huge respect for the mode of perception that we all possess, with its humble equipment. Law and law teachers must not be a quiescent group, sleep-walking with their law books in the one hand and their computer manuals in the other. Without a constellation of values to navigate by, they will remain subject to storms of political short-termism. As long as the human brain remains the most complex system ever developed or known, then it requires that it be applied with all the avenues open to it, and along ones less travelled, to critically construct a meaningful sense of law. Otherwise the teaching of law is but an inferior occupation where the highest aspiration is the lowest bottom-line. On the specific issue of Lao Tzu, the paradox here may be that if we look abroad, around and away, we may find the true values in what we have and seek to be better stewards of them. As China enters the World Trade Organisation, we might pay them a little more respect by looking to their philosophies. Mary Robinson on her visit there as UN Commissioner on Human Rights saw correctly that the enterprise of human rights would only become embedded in China through a process of constructive engagement. How many law degrees in the UK mention China even once on any of their curricula?

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